

NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES
POLICY AND PROCEDURE DIRECTIVE

SUBJECT: AMENDMENT OF MEDICAL RECORD BY CONSUMER

NUMBER: NN-IM-PS-04

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ORIGINAL DATE: 07/18/02

REVIEW/REVISE DATE: 01/04/07, 2/18/10

APPROVAL: Rosalynne Reynolds {s}, Agency Director

I. PURPOSE

The purpose of this directive is to provide a consistent method of supporting a consumer's request to amend protected health information (PHI) in their medical record.

II. POLICY

In the event that a consumer wishes to amend information in the record, it shall be done as an addendum, without change to the original entry and shall be clearly identified as an additional document appended to the original record. An addendum to the record is at the direction of the consumer, who will thereafter bear responsibility for explaining the change. There are no restrictions on when a consumer may make an amendment request.

III. REFERENCES

1. Health Insurance Portability and Accountability Act (HIPAA) CFR 42.164.524 & 164.526.

2. NNAMHS Policy #NN-IM-MR-01 entitled, "Consumer Access to Medical Record."
3. NRS 433A.360, 629.021-629.061.

IV. PROCEDURE

1. Northern Nevada Adult Mental Health Services (NNAMHS) will act within 30 days upon receipt of an amendment request. If circumstances prevent action within 30 days, NNAMHS may request a 30-day extension by giving a notice to the consumer no later than 30 days after the amendment request was received.
2. Accessing the record:
 - a. The consumer will complete the form "Patient Request to Inspect Medical Record" MR-121 and submit it to the Health Information Services Department (HIS).
 - b. The Director of Health Information Services (HIS) Department will follow NNAMHS Policy #NN-IM-MR-01 in providing the record for the consumer to review and/or receive copies.
3. Request for Amendment Form
 - a. The patient will complete the Request to Amend Health Information form MR 253 and submit it to the Director of HIS.
 - b. The Director of HIS will give a copy of the form to the consumer and route the original and the medical record to the author of the entry.
 - c. The author of the entry will document clarifying/justification comments in the section entitled "Clinician Comments" on the amendment request form.
 - d. In the event that the author of the entry is not available, the request for amendment will be referred to the Chief of Staff for comments.
 - e. The request will be reviewed by the Patient Information Management Committee (PIMC), and a decision made and documented on the request form regarding acceptance or denial of the request.

4. Request Accepted

- a. A copy, complete with the decision to accept and with all appropriate signatures, will be sent to the consumer. The original will be placed in the consumer's record by the amendment entry.
- b. The Director of HIS will make an entry in the medical record at the site of the information that is being amended indicating, "See amendment" and will date and sign the entry.
- c. Copies of the amendment form will be furnished to those individuals or organizations the consumer deems necessary and has documented on the amendment form.
- d. Within a reasonable time and with the consumer's consent, copies of the amendment form will also be furnished to those who have the information subject to the amendment and that may have relied on or could rely on that information to the detriment of the consumer.
- e. Disclosure will be noted on the back of the amendment form stating to whom the amendment was sent, the date and signature of staff that processed the disclosure.
- f. Whenever a copy of the amended entry is disclosed, a copy of the amendment form will accompany the disclosure.

5. Request Denied

- a. NNAMHS may deny the requested amendment for one of the following reasons:
 - i) Protected health information was not generated by NNAMHS.
 - ii) Protected health information is not a part of the consumer's designated record set.
 - iii) As required by federal law and Nevada Revised Statutes, a licensed health care provider has determined that the requested access is likely to

endanger the emotional or physical safety of the individual or another person.

- iv) Protected health information is accurate and complete.
 - b. Upon completion of the request, the Director of HIS will direct placement of the original in the consumer's medical record under the "Consents/legal" tab.
 - c. A copy, complete with the decision to deny and with all appropriate signatures, will be sent to the consumer along with instructions on how the consumer may submit a written statement disagreeing with the denial, and how to complain to the Secretary of Health and Human Services. The name, title and phone number of the contact person who handles complaints for NNAMHS will also be given.
 - d. A consumer may disagree with the final decision. If a consumer's statement of disagreement is received, NNAMHS may prepare a written rebuttal of disagreement to the consumer's statement of disagreement.
 - e. If the consumer does not submit a written statement of disagreement, NNAMHS may not release the denied request for amendment with any future release of PHI unless the patient specifically authorizes such release.
6. A log of amendment requests will be maintained. The log will include:
- a. Consumer name and record number
 - b. Date of request.
 - c. Final decision and who made the decision.
 - d. Date amendment process was completed.
7. Quarterly reports will be provided to Leadership and Medical Staff.